IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 45 OF 2007

1. Mr. Sachin Suresh Valam

2. Mr. Kalya @ Dilip Dattatraya Kirid ..Applicants.

V/s

The State of Maharashtra ..Respondent.

Mr. Sachin Thombre, Advocate for the applicants.

Mrs. M.H. Mhatre, APP for the State.

CORAM : J.H. BHATIA, J.

DATE : 7TH FEBRUARY, 2007.

P.C.

. Heard Mr. Thombre, learned Counsel for the applicants and Mrs. Mhatre, learned APP for the State. The applicants seek to be released on bail in Crime No.515/2006, registered at Swargate Police for the offences punishable under Sections 307,324,504, 506(2),427, 146, 147, 148 and 149 of Indian Penal Code.

2. The prosecution case, in brief, is that prior to the incident of this case, applicant No.1 Sachin and his companions Datta Dhumal, Amit Rairikar, Lakhan Katti and Parshya Dhumal had assaulted injured Avinash Shedge with swords and other cutting weapons. Avinash is a nephew

of Prakash Kamble. In that case the assailants were arrested. On 19/5/2005 Prakash Kamble and his family members were present in the Mandav, which was erected for the purpose of marriage of his nephew. At about 10 P.M. Sachin, Dilip and four others namely Datta, Hyder, Amit and Pappu abruptly entered into the Mandav. They were armed with swords. Amit Rairikar and Dilip Kirad sat on the chest of Prakash and assaulted him with weapons. Applicant No.2 Sachin assaulted Prakash and caused injuries to him. Hyder assaulted one boy Omkar. After causing injuries to the aforesaid persons, Datta Dhumal and Pappu threatened them to withdraw the earlier criminal case, otherwise he would be killed. Saying so, they went away. On the basis of the report lodged by Prakash Kamble, offence came to be registered. It is material to note that Amit Rairikar, being a juvenile, was not put before the regular Court. Datta and Hyder were granted bail by the Sessions Court on the ground that they had not actually assaulted, though they were present. Similarly, Pappu @ Pramod was also granted bail by the High Court on the same ground. Application of the present applicants namely Sachin and Dilip @ Kalya came to be rejected by the Sessions Court. It is material to note that these are the two persons, who

were involved in the earlier case of assault on Avinash and because that criminal case was not withdrawn or compounded, these two persons, along with others, went to Mandav of Prakash and assaulted Prakash and other family members with swords to bring pressure on him.It appears that threat was given to kill him, if the case is not withdrawn.

3. Taking into consideration this conduct and circumstances in which the present applicants had assaulted twice with swords within a gap of six months, it will be dangerous to release them on bail. Learned Counsel inform that the charge is already framed by the Sessions court. Therefore, there should be no difficulty in proceeding with the trial at the earliest.

4. For the aforesaid reasons, application stands rejected. However, learned Sessions Court shall expedite the trial of the Sessions Case and dispose of the matter, as early as possible.

(J.H. BHATIA, J.)